

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS

GALVESTON DIVISION

RENATA LUISA SILVA PISCETTA	§	
O'KEEFE, ET AL.	§	
	§	
V.	§	CIVIL ACTION NO. G-05-688
	§	
NOBLE DRILLING CORPORATION,	§	
ET AL.	§	

OPINION AND ORDER

Having conducted a Status / Scheduling Conference with the Parties on February 22, 2008, this Court issues this Opinion and Order.

The Noble Defendants (Noble) filed their Third-Party Complaint against Schlumberger Servicos de Petroleo Ltda. (Schlumberger/Brazil) on April 24, 2007. It was not until February 14, 2008, that Noble finally filed the “official service documents providing service of Third-Party Plaintiffs’ Third-Party Complaint complaining of Schlumberger Servicos de Petroleo Ltda. in Rio de Janeiro, Brazil, on January 30, 2008,” (Instrument no. 104) which Noble asserts is proof that Schlumberger/Brazil has been properly served and is now before the District Court and subject to its jurisdiction.

On February 19, 2008, Schlumberger/Brazil, in lieu of an answer, filed its Motions to Dismiss (Instrument no. 109) alleging, *inter alia*, that Noble’s attempt to serve it with process “using a private service and not a letter rogatory” was improper under applicable Brazilian law and was, therefore, legally insufficient. Noble, of course, disagrees, but concedes that if service must be accomplished by means of a Letter Rogatory, then service of process, if it has been

initiated at all, is far from being perfected. The Parties all agree that this issue raises only questions of law and requires no additional discovery relevant to its resolution.

This Court cannot predict how much more delay will be tolerated by the District Court, however, under the present circumstances of this case, and in an effort to make some progress toward its resolution, this Court issues the following Orders.

It is **ORDERED** that **on or before March 21, 2008**, Noble **SHALL** file its response to Schlumberger/Brazil's Motion to Dismiss only insofar as the Motion seeks dismissal under Rule 12(b)(5) for insufficient service of process.

It is further **ORDERED** that Schlumberger/Brazil **SHALL** file its reply to Noble's response **on or before April 4, 2008**.

DONE at Galveston, Texas, this 25th day of February, 2008.



John R. Froeschner
United States Magistrate Judge